

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether Products :
Liability Litigation :

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

This document pertains to:

NOTICE OF JOINT MOTION TO DISMISS

City of Fresno v. Chevron, USA, et al.,
No. 1:04 Civ. 04973

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff City of Fresno in the *City of Fresno v. Chevron U.S.A., Inc. et al.* case and Westport Petroleum, Inc. ("WPI") hereby move the Court to enter the attached Stipulation and Order dismissing all claims against WPI as set forth in Plaintiff's First Amended Complaint with prejudice. With the conclusion of all fact and expert discovery, Plaintiff has agreed to voluntarily dismiss WPI with prejudice and the parties have executed a Stipulation and Order of Dismissal. The parties have agreed to bear their own attorneys' fees and costs.

Respectfully submitted,

Dated: December 21, 2012

Dated: December 18, 2012

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*The Clerk of the Court is directed, to
close this motion.*

So Ordered *[Signature]* *USD* *12/26/12*

**STIPULATION AND ORDER OF DISMISSAL OF ALL CLAIMS AGAINST
DEFENDANT WESTPORT PETROLEUM, INC.**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff City of Fresno in the *City of Fresno v. Chevron U.S.A., Inc. et al.* case and Westport Petroleum, Inc. ("WPI") have advised the Court that following the conclusion of all fact and expert discovery, Plaintiff has agreed to voluntarily dismiss WPI with prejudice and the parties agree to entry of this Stipulation and Order of dismissal of the claims against WPI as indicated by the signature of the respective counsel below. This Court finds that this Stipulated Order of Dismissal should be entered with the findings included below.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over the parties to this Stipulation and over the subject matter of this action. The parties to this Stipulation have advised the Court of their agreement to this Stipulated Order of Dismissal.
2. The parties to this Stipulation consent to the dismissal of the *City of Fresno v. Chevron, USA, et al.*, No. 04 Civ. 4973 action as to WPI only, including all claims and counterclaims, with prejudice.
3. Each Party shall bear its own costs and attorneys' fees.

AGREED TO AND ACCEPTED BY:

Dated: December 21, 2012

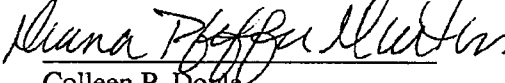
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SO ORDERED:



The Honorable Shira A. Scheindlin
United States District Judge

Dated: December 24, 2012